

APPEAL NO. 030800
FILED MAY 13, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 10, 2003. The hearing officer resolved the disputed issues by deciding that the respondent (claimant) sustained a compensable injury on _____; that the compensable injury extends to and includes an injury to the lumbar spine but does not extend to and include an injury to the thoracic spine; and that the claimant does not have disability. The appellant (self-insured) appealed the compensable injury determination and the determination that the compensable injury extends to and includes an injury to the lumbar spine, on sufficiency of the evidence grounds. The claimant responded, urging affirmance.

DECISION

Affirmed.

The claimant had the burden to prove that she sustained a compensable injury as defined by Section 401.011(10). Injury and extent of injury are questions of fact. Conflicting evidence was presented on the disputed issues. Section 410.165(a) provides that the contested case hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. When reviewing a hearing officer's decision for factual sufficiency of the evidence we should reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard, we find sufficient evidence to support the hearing officer's resolution of the injury and extent of injury issues. The disability determination and the determination that the compensable injury does not extend to and include an injury to the thoracic spine were not appealed and have become final. See Section 410.169.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
CINDY HARRIS
800 BRAZOS
AUSTIN, TEXAS 78701.**

Margaret L. Turner
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Edward Vilano
Appeals Judge